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JUN 15 2009

OFFICE OF PETITIONS

In re Application of	:	
Eberhard Witschas	:	
Application No. 10/593,937	:	DECISION ON PETITION
Filed: September 22, 2006	:	
Attorney Docket No. HM-743PCT	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 13, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

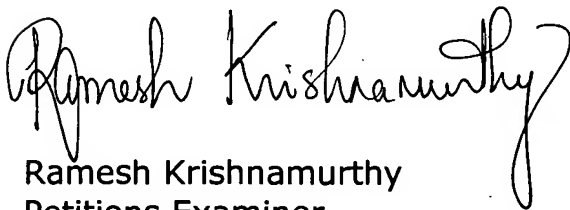
This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 27, 2008. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is November 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3725 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

A handwritten signature in black ink, appearing to read "Ramesh Krishnamurthy". The signature is fluid and cursive, with a large, stylized initial 'R' and a long, sweeping underline.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions